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## *House of Representatives*

### H.R. 98 – IMMIGRATION ENFORCEMENT AND SOCIAL SECURITY PROTECTION ACT

STATEMENT OF HON. DAVID DREIER  
OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES  
JANUARY 6, 2009

**Mr. DREIER.** Madame Speaker, over the last few years we have spent considerable time on the extremely important issue of immigration and homeland security. In the 108<sup>th</sup> Congress, we passed the National Intelligence Reform Act, a landmark piece of legislation to overhaul our intelligence agencies. But, as I noted at that time, the bill unfortunately did not go far enough in addressing the major security vulnerability presented by the porous nature of our borders.

Recognizing that need, in the 109<sup>th</sup> Congress we debated immigration extensively and even passed H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. Regrettably, the Senate failed to act on this important piece of legislation. In the 110<sup>th</sup> Congress, the House passed legislation to reauthorize the Basic Pilot, or E-Verify, employment verification program.

A tremendous amount of work remains in the effort to secure our borders. That is why I am reintroducing the Immigration Enforcement and Social Security Protection Act, which is designed to eliminate up to 98 percent of the illegal border crossings into the United States.

I believe that any effort to end illegal immigration will be viable only if it addresses the root cause of what attracts illegal immigrants to our country: the lure of economic opportunity and the ease with which illegal workers can find jobs. Under the Illegal Immigration Enforcement and Social Security Protection Act, we will dramatically increase the enforcement of laws which prohibit American businesses from employing illegal immigrants. The growing availability of counterfeit identity documents has undermined the current system because employers find it

increasingly difficult to establish the authenticity of documents presented by job applicants. As a result, too many employers have been either unable or unwilling to comply with the law.

Our legislation adds new features to the Social Security card to deter counterfeiting and make it easier for employers to determine whether a card is genuine by including a digitized photo of the cardholder on the card. The improved Social Security card will also be encoded with a unique electronic encryption code to allow employers to verify each prospective applicant's work eligibility status prior to hiring, through either an electronic card-reader or a toll-free telephone number. The Department of Homeland Security will be required to establish and maintain an Employment Eligibility Database with an individual's proof of citizenship data, work, and residency eligibility information, including expiration dates for non-citizens. This database will also include information from the Social Security Administration that the Commissioner determines necessary and appropriate for the purpose of verifying an individual's work eligibility status. Employers who hire an illegal immigrant or choose not to verify a prospective employee's work eligibility will face stiff federal fines of \$50,000 and up to 5 years in prison. The employer would also be required to reimburse the government for the cost of deporting the illegal immigrant. Moreover, this bill provides that no officer or employee of Department of Homeland Security shall have access to any information contained in the Employment Eligibility Database for any purpose other than the establishment of a system of records necessary for the effective administration of this Act, and will impose penalties of \$10,000 in fines and mandatory-minimum sentence of 5 years in prison on anyone who misuses information on the database.

With the improved Social Security card and national verification system, prospective employees will have no way of obtaining fraudulent identification documents. By improving the employment verification process, we can eliminate the supply of jobs for illegal workers and end the employment magnet that draws them here. Under this bill, legal workers will only need to update their Social Security card once to have their photo placed on the card and for other long-overdue anti-fraud measures to be applied. Moreover, a worker would only need the updated Social Security card when applying for a new job. I want to make it absolutely clear that this proposal does not represent the creation of a national identification card. This bill strictly prohibits the use of the Social Security card as a national ID card, and stipulates that the card not be required to be routinely carried on one's person. Because Social Security cards are already required to be provided to new employers, the changes proposing in this bill take us no further down the road of creating a national ID card. It should also be noted that the government already has the information that would be contained in the Employment Eligibility Database. An individual's eligibility to work under the law is dependent on whether they are a U.S. citizen, and if not, their immigration status. Finally, the Immigration Enforcement and Social Security Protection Act also puts teeth into the new enforcement procedures by calling for the addition of 10,000 new Homeland Security officers whose sole responsibility will be to enforce employer compliance with the law. These new agents will free up the rest of the Border Patrol to exclusively focus on border enforcement and terrorism prevention.

This bill is in no way meant to send a message that we intend to limit opportunities for the American dream to be fulfilled. However, we are a nation of laws and if individuals wish to pursue opportunities in the United States, they must play by the rules and we must make clear

that there will be no economic opportunity for anyone who enters this country illegally. I look forward to continuing to work with my colleagues in this effort, and hope they will consider joining me as we take action on this vital national security priority.

I would like to thank the original co-sponsors of this legislation, including, Mr. Reyes of Texas, who began his career in public service with the U.S. Immigration and Naturalization Service in the U.S. Border Patrol, where he worked for 26 ½ years. I would also like to thank the original co-sponsors from my home state of California, including Mr. Issa, Mr. Calvert, the author of the Basic Pilot Program, and Mr. Bilbray, the Chairman of the Immigration Reform Caucus.